

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MICHAEL BAILEY, et al.,

Case No. 1:06cv468

Plaintiffs,

Judge Barrett

v.

AK STEEL CORPORATION,

Defendant.

ORDER

Plaintiffs brought this action against Defendant AK Steel Corporation (“AK Steel”). Plaintiffs challenged AK Steel’s announced decision to modify health care benefits of AK Steel’s Middletown Works hourly and salaried auxiliary retirees, their spouses, surviving spouses, and eligible dependents. AK Steel disputes Plaintiffs’ claims and asserts the right to make modifications to retiree health benefits.

The parties have entered into a Settlement Agreement resolving Plaintiffs’ claims subject to approval of this Court. Presently before the Court are the parties’ joint motion seeking preliminary approval of that settlement (Doc. 51), as well as an order approving the amended notice to the class and setting a date for a hearing on the fairness of the Settlement Agreement. Based on the Court’s review of these matters, as well as the arguments and evidence presented at the preliminary approval hearing, and the Court having certified a plaintiff class in this action by order date November 1, 2007, the Court finds and orders as follows:

1. The Settlement Agreement (Attachment 1 to Exhibit A to the Parties' Joint Motion) is preliminary approved. The Court finds that the proposed settlement falls within the range of possible approval, does not disclose grounds to doubt its fairness, and includes no obvious deficiencies.
2. The parties shall provide notice, pursuant to Rule 23, to the Class Members of the Settlement Agreement. The parties will use their best efforts to send the amended notice to individual class members by first class mail in substantially the form set forth in Exhibit A to the brief in support of the joint motion. The court finds that this method of notice constitutes the best notice practicable under the circumstances.
3. The Court will conduct a hearing pursuant to Rule 23 of the Federal Rules of Civil Procedure on **February 12, 2008 at 1:00 p.m.** for the purpose of considering the fairness, reasonableness, and adequacy of the Settlement Agreement, and to consider objections, if any, to the settlement. Other than the parties, no person will be heard at the hearing unless that person files an objection in writing with the Claims Administrator postmarked on or before December 24, 2007. Briefs in support or opposition to the Settlement Agreement should be filed no later than January 28, 2008.

**IT IS SO ORDERED.**

Date: 11/2/08

S/Michael R. Barrett  
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Michael R. Barrett, Judge  
United States District Court